

**MINUTES**  
**SUBSTANCE ABUSE SERVICES COUNCIL**  
**JULY 7, 2008**  
**STAUNTON, VIRGINIA**

**PATTY GILBERTSON**  
**CHAIR**

**MEMBERS PRESENT:**

Ken Batten, *Department of Mental Health, Mental Retardation and Substance Abuse Services*  
Joe Battle, *Substance Abuse and Addiction Recovery Alliance (SAARA)-Consumer/Advocate*  
Terri-Ann Brown, *Virginia Tobacco Settlement Foundation*  
JoAnn Burkholder, *Department of Education*  
Curtis Coleburn, *Department of Alcoholic Beverage and Control*  
John Gibney, *Lawyers Helping Lawyers- Consumer/Advocate*  
Patty Gilbertson, *Virginia Drug Court Association*  
Marshall Graham, *Department of Corrections*  
Jennifer Johnson, *Virginia Association of Alcoholism and Drug Abuse Counselors (VAADAC)*  
Jamie MacDonald, *Virginia Community Services Board- Prevention Council*  
Hope Merrick, *Governor's Office on Substance Abuse Prevention (GOSAP)*  
David Mosley, *Department of Motor Vehicles*  
Delegate David E. Poisson, *House of Delegates*  
Scott Reiner, *Department of Juvenile Justice*  
Rudi Schuster, *Department of Criminal Justice Services*  
William Williams, *Virginia Association of Community Services Boards-Treatment*

**GUESTS:**

Mark Blackwell, *Substance Abuse and Addiction Recovery Alliance*  
Madeleine Dupre', *VAADAC*  
Martha Kurgans, *Office of Child and Family Services, DMHMRSAS*  
Tony Pascale, *McShin Foundation*  
John Shinholser, *McShin Foundation*  
Freddie Simons, *Virginia Community Services Board- Prevention Council*  
Senator Emmett Hanger, *Virginia Senate*

**STAFF:**

Lynette Bowser, *DMHMRSAS*  
Marc Goldberg, *DMHMRSAS*  
Malcolm King, *Office of Child and Family Services, DMHMRSAS*  
Mellie Randall, *DMHMRSAS*  
Julie Truitt, *DMHMRSAS*

**I. WELCOME AND INTRODUCTIONS**

The meeting was called to order by the Chair and opened with introductions by those in attendance.

**II. REVIEW AND APPROVAL OF APRIL 9, 2009 MEETING MINUTES**

Minutes from the April 9 meeting had previously been e-mailed to Council. Members reviewed the minutes and a motion to accept the minutes as written was made by John Gibney and seconded by Will Williams. The motion carried.

**III. OLD BUSINESS**

**A. UPDATE ON JOINT LEGISLATIVE AUDIT & REVIEW COMMISSION (JLARC) STUDY “*MITIGATING THE COSTS OF SUBSTANCE ABUSE IN VIRGINIA*:”** The Chair reminded the Council that JLARC staff Nathalie Molliet-Ribet had provided Council with a brief overview of JLARC and the study process at a previous meeting. The referenced report has been drafted and reported out to the Commission of the General Assembly. Ken Batten and Mellie Randall attended the Commission briefing. The Chair stated that she was impressed with the depth of work that was accomplished as well as JLARC’s recommendations. Some of the recommendations will be addressed through the study mandated by SJR 77, 2008-Joint Subcommittee on Substance Abuse Prevention and Treatment. This study has numerous implications for the Council to consider in its work for the coming years.

Members were provided with a copy of the JLARC Report Summary and were encouraged to read the entire report. Mr. Batten stated that the report focuses on the criminal justice system because the SA related costs associated with that system could be concretely addressed. The recommendations have a major impact in the publicly funded substance use treatment system. One recommendation in particular that may have substantial impact is one that the Departments of Mental Health Mental Retardation Substance Abuse Services (DMHMRSAS), Criminal Justice Services and Juvenile Justice efficiently track, evaluate and systematically report outcome studies or measurements.

Mr. Batten further stated that DMHMRSAS receives the Substance Abuse Prevention and Treatment (SAPT) federal block grant which requires the state to report on outcomes using the National Outcome Measures (NOMS), Council members were provided with the NOMS domains that are required to be reported. DMHMRSAS is now revamping its data system. Mr. Batten continued that access to and effectiveness of treatment are significant issues, as well as evaluating prevention programs.

Ms. Randall stated that there was also considerable discussion in the report about lack of capacity throughout the system, as well as quality of services. She stated that quality can be improved by focusing on workforce

development to ensure that science based practices are being delivered as intended and assure that they are effective.

Mr. Williams also referenced the numbers of persons in the state who are not receiving treatment due to the lack of capacity in Virginia. He requested that the Council take a proactive stance around flexible spending, developing strong capacities to provide treatment and to increase regional programs.

Mr. Simons stated that the report indicates that it is largely unknown what or whether prevention programs work in Virginia. He noted that every CSB and school system in the state implements evidence based, proven prevention programs. Additionally, he noted that the report fittingly identifies Virginia as one of only seven states in the country that allocates zero state dollars to support prevention efforts.

Mr. Batten referenced the issue that garnered the most attention in the press - - the gap in the transfer of funds from the Department of Alcoholic Beverage Control appropriation tax for substance use programs. The report indicated that \$18 million of collected funds intended for substance use programs was never allocated for substance use services.

Mr. Batten noted that drug courts were positively referenced in the report as being successful in terms of outcome, however funding continues to be an issue. The Chair stated that the Virginia Drug Court Association was very pleased with the findings of the report on this matter. There was some discussion on the administration of the drug court programs in Virginia. Delegate Poisson explained that the General Assembly's stance varies from one that is punitive versus rehabilitative. Within the General Assembly there are cohorts on both sides of the question. Because infractions give rise to criminal sanctions, Virginia has chosen to administer drug courts through a criminal justices system. As a result of the penalty system administered by the courts, mental health needs are sometimes not appropriately addressed.

Mr. Simons reflected on the successful effort and support of the Council for an increase in funding through the Medicaid initiative that supports substance use treatment. He questioned the under utilization of these resources. He suggested that Council request a briefing in reference to the barriers that some programs have encountered when attempting to utilize the Medicaid resources. Mr. Williams responded that the VACSB council, has identified a number of barriers statewide involving the use of Medicaid funds for substance use treatment. These included preparation of staff, differences in definitions with DMAS and licensure requirements, as well as programs that lack infrastructure to bill and programs unwilling to bill as a result of low reimbursement rates.

#### **IV. NEW BUSINESS**

- A. SENATE JOINT RESOLUTION 77 (2008) – SENATOR EMMETT W. HANGER, JR.** - The Chair introduced Senator Emmett Hanger and asked him to discuss SJR77 and his expectations how the Council can assist and serve the committee with the study.

Senator Hanger thanked the Council for inviting him to the SASC meeting. He indicated that he has served on the Senate Finance Committee and the Health and Human Services subcommittee for several years. Senate staff have studied substance use issues and provided the legislators with relevant information. The Senate has established a focus on the cost implications to the state budget of substance use issues. He further discussed funding and utilization of current funding, noting the JLARC study and the unused ABC funds as well as the underutilization of Medicaid. He indicated a desire to solicit the Council's input on the work of the SJR77 joint subcommittee.

Senator Hanger stated that everyone is impacted by substance use issues in one way or another and he is hoping that SJR77 will be continued past this Session. Senator Hanger discussed the background legislation for SJR 77. During the 2007 session of the General Assembly he sponsored SJR 395 (Delegate Landes sponsored the companion legislation) in which JLARC was requested to complete the study being discussed today. The JLARC study will be utilized as the starting point for the work of SJR77. The development of the work plan for SJR77 will consist of four meetings during the year with the first meeting projected for the end of July. One of the goals of SJR77 is to develop strategies and models for substance use prevention and treatment that effectively reduce the costly effects of substance use. In the short term it is expected that more money will need to be spent to address issues raised by the JLARC report, before the savings are able to be recognized and achieved. The meetings are expected to provide an opportunity to create momentum to address issues involving substance use. The coordination with legislators is significant in moving this issue forward.

One of the first steps is to divert funding from building new prisons and utilize the savings for substance use services. Additionally, there are five objectives that will be addressed by SJR77:

- coordinate the services of all the entities that are currently involved with this issue;
- examine the costs, policies and programs in the Commonwealth;
- identify and examine policies and prevention programs from other states leading in the field of substance use treatment and prevention; and
- benchmark the Commonwealth's substance use prevention and treatment programs and policies against those of the leading states.

Senator Hanger said that one of the major focuses of the joint subcommittee will be on long term cost savings in terms of human capital and tax resources. He hopes to address this by identifying and creating programs that work, making strategic investments, engaging the faith based community and changing the culture in Virginia.

The Chair offered the Senator the resources and the expertise of the Council as the SJR77 joint subcommittee moves forward. She then opened for floor for questions and/or comments.

John Shinholser, a guest and member of the SJR 77 Joint Subcommittee, commented that this is the first time that he has attended a meeting of the Council. He agreed with the Senator that the majority of the solutions already exist and need to be identified and utilized. He specifically mentioned faith-based organizations and suggested that the catalyst to change attitudes and stigma are truth and money. Mr. Shinholser also noted that the estimated cost impact of substance abuse cited by the JLARC report is underestimated. He is excited about the work of the SJR77 joint subcommittee and feels that the talent is available to accomplish the goals of the committee.

Mr. Simons commented on the JLARC report stating that it would be advantageous to have additional documented evidence that prevention works; he feels that there is significant evidence regarding some very effective prevention programs in the state. One of the challenges to documenting effectiveness is the capacity to track youth for a period of at least four or five years. Mr. Simons also noted that Virginia is one of seven states that do not allocate any state funds for prevention services.

Mr. Williams suggested that the SJR77 joint subcommittee study information on systems of care, particularly through the Substance Abuse and Mental Health Services Administration (SAMHSA). Mr. Williams also commented on the joint subcommittee membership and how the committee plans to include treatment providers in the public sector. He noted that this is a very important perspective for the group to gain because public sector providers are an integral aspect of treatment services. He further suggested that the public sector be invited to future meetings of the work group to provide a broad perspective on addiction treatment and prevention.

Senator Hanger stated that he expects to have workgroup meetings in addition to the four mandated meetings. He requested the SASC include at its next meeting a one hour work session with SJR77 committee members as part of its agenda. The Chair stated that she would have Council staff work with the Senator's staff to coordinate that meeting.

Ms. Burkholder noted that Department Of Education (DOE) serves all children in the Commonwealth. Each school division has substance use prevention planning in conjunction with the localities. They provide evidenced based programs through the Safe and Drug Free Schools federal dollars. She suggested that a representative from DOE be involved with the SJR 77 joint subcommittee, and that someone who has expertise in prevention should be included as a member of any work groups.

Mr. Battle suggested getting youth involved and using technology. He promotes taking some risk and thinking out side of the traditional box.

Mr. Coleburn commented favorably on the JLARC report recommendation that the General Assembly require all school divisions to participate in a statewide youth survey. Mr. Coleburn noted that if survey participation is not mandated then divisions will not participate in surveys and the information will remain incomplete.

Mr. Batten commented that there are infrastructure issues that have to be addressed. Successful initiatives have been developed that are successful are not sustained because the funding levels remain static while costs continue to increase.

Mr. Williams encouraged the SJR77 group to study persons not involved in the criminal justice system; more specifically the elderly. This population has an increasing issue regarding the abuse of prescribed medications.

Dr. Goldberg commented that he wanted to make the SJR77 joint subcommittee aware of other states that have data on cost effectiveness and this data may be a powerful resource to address this issue. One of the issues identified in the JLARC report is that Virginia does not have that type of data.

The Chair stated that it is the desire of the Council to play a role in being an entity to assist the SJR77 joint subcommittee with its work. The Council members represent all areas of substance use treatment and prevention and have been around the field for many years. It is also her hope that a joint work session with the SASC and SJR 77 joint subcommittee can help the Council define its annual plan in conjunction with the work plan of the subcommittee.

Senator Hanger thanked Council for inviting him to the meeting.

Council staff will work with Senator Hanger's staff to coordinate a work session during the latter part of September.

## **B. RECOMMENDATIONS FROM JLARC REPORT**

Ms. Randall stated that the JLARC Commission presented its report, "Mitigating the Cost of Substance Abuse in Virginia," at its June meeting and the report has been accepted by the JLARC Commission. Mr. Batten stated that the report now goes to the membership of the General Assembly. Senator Hanger and the SJR77 joint subcommittee will review the recommendations as well as other identified issues. The joint subcommittee may propose legislation or budget initiatives to address the identified issues.

The Chair for review of the JLARC recommendations asked those in attendance to provide information on their agencies response to the recommendations.

*Recommendation 1: The Department of Mental Health, Mental Retardation and Substance Abuse Services should conduct a needs assessment that identifies the (1) information technology and human resources necessary to obtain accurate client outcomes data from community services boards, and (2) number and expertise of staff required to analyze outcomes information. This analysis should encompass the needs of both the department and community services boards. In addition, the department should identify specific steps that must be taken to produce ongoing evaluations, in accordance with Statue. Preliminary results of the assessment should be presented to the joint legislative subcommittee studying substance abuse services pursuant to Senate Joint Resolution 77 (2008) prior to its last meeting, and the final results should be submitted to the chair of the joint subcommittee no later than the first day of the next Regular Session of the General Assembly.* Mr. Batten stated that this recommendation was a result of a DMHMRSAS' challenges collecting required data for the Substance Abuse and Mental Health Services Administration (SAMHSA) and the federal government required by the Substance Abuse Treatment and Prevention Block Grant. He further stated that DMHMRSAS/OSAS Office of Research and Evaluation and the Data Management Committee of the VACSB will address this recommendation then make internal recommendations for improvements in the system. The process has started and the SASC will be updated. Preliminary information should be available at the next meeting.

*Recommendation 2: The Department of Corrections should conduct a needs assessment that identifies the information technology and human resources necessary to (1) capture relevant data on prison inmates who participate in substance abuse services while in State institutions, and (2) analyze outcomes information. In addition, the department should identify specific steps that must be taken to produce ongoing and comprehensive evaluations of substance abuse services provided to prison inmates, in accordance with Statute. Preliminary results of the assessment should be presented to the joint legislative subcommittee studying substance abuse services pursuant to Senate Joint Resolution 77 (2008) prior to its last meeting, and the final results*

*should be submitted to the Chair of the joint subcommittee no later than the first day of the next Regular Session of the General Assembly.* Mr. Graham stated that DOC has already begun data collection. Specific data collection, mentioned in the JLARC study, has included tracking inmates who participated in the therapeutic community at Indian Creek and Botetourt Correctional Center. The results of the study showed trends of improvement. Also, general data was collected about the release and recidivism of inmates. DOC will be transitioning to an automated system in the fall.

*Recommendation 3: The Department of Juvenile Justice should conduct a needs assessment that identifies the (1) information technology and human resources necessary to capture relevant data on juveniles who participate in substance abuse services while in juvenile correctional centers, and (2) number and expertise of staff required to analyze outcomes information. In addition, the department should identify specific steps that must be taken to produce ongoing evaluations, in accordance with Statute. Preliminary results of the assessment should be presented to the joint legislative subcommittee studying substance abuse services pursuant to Senate Joint Resolution 77 (2008) prior to its last meeting, and the final results should be submitted to the Chair of the joint subcommittee no later than the first day of the next Regular Session of the General Assembly.* Scott Reiner stated the recommendation is that DJJ do a needs assessment. Once the relevant outcomes are clearly defined DJJ will respond appropriately.

*Recommendation 4: The Department of Mental Health, Mental Retardation and Substance Abuse Services should evaluate whether community-services boards have consistently developed appropriate income-based sliding-scale fee structures that minimize the amount charged to lowest-income clients while maximizing overall fee revenues.* Mr. Batten stated that DMHMRSAS will conduct a survey in late fall to look at the fee structures and the CSB's policies with respect to an ability to pay.

*Recommendation 5: The Department of Medical Assistance Services should evaluate whether Medicaid reimbursement rates for substance abuse treatment are high enough to incentivize providers to serve Medicaid enrollees as intended in the program's State plan.* Ms. Randall stated that DMAS is reviewing the rates for substance use treatment.

*Recommendation 6: The Department of Mental Health, Mental Retardation and Substance Abuse Services should determine the level and nature of resources needed to help local substance abuse providers identify evidence-based practices, train staff on their correct adherence to evidence-based programs. Preliminary results of the assessment should be presented to the joint legislative sub-committee studying substance abuse services pursuant to Senate Joint Resolution 77 (2008) prior to its last meeting, and the final*



*results should be submitted to the Chair of the joint sub-committee no later than the first day of the next Regular Session of the General Assembly.* Mr. Batten stated that DMHMRSAS is developing an integrated training plan that will assist the CSBs in determining the nature of resources necessary to assist them in the delivery of evidenced based practices. A training mechanism will be developed that is expected to identify the services that the state is willing to reimburse. Training for clinical supervisors will focus on those particular practices. The plan will be presented no later than the first day of the next General Assembly session.

Recommendation 7: Mr. Batten stated that this recommendation is very similar to Recommendation 6. The two issues will be integrated and an incentive process will be developed to support CSBs that have obtained a specified percentage of services that are evidenced based practices.

For the remainder of the meeting, Council opted to address Recommendations 8 and 17.

Recommendation 8: *The Department of Corrections, Criminal Justice Services, and Juvenile Justice should determine the amount of additional resources needed to adequately provide offenders under their agencies' responsibility with substance abuse screenings and, when necessary, assessments. Preliminary results should be presented to the joint legislative subcommittee studying substance abuse services pursuant to Senate Joint Resolution 77 (2008) prior to its last meeting, and the final results should be submitted to the Chair of the joint subcommittee no later than the first day of the next Regular Session of the General Assembly.* The Council reflected on the funding for screening and assessment that had previously been supported by the SABRE (Substance Abuse Reduction Effort) initiative. SABRE was a source of funding that enabled all offenders to be screened and appropriately assessed for substance use and linked to the appropriate treatment service. SABRE funding was abolished in 2002 as a part of addressing a budget shortfall. Members were supportive of developing a plan to present to legislators to provide similar funding.

In addition to the formal recommendations, the report also suggests that "agencies that provide publicly-funded substance abuse services [could] form a workgroup as a part of the Substance Abuse Services Council to 1) establish common measures capturing their clients' outcomes after treatment; 2) determine where to obtain outcomes information needed across agencies, and 3) to design a process to collect the information on an ongoing basis." Mr. Battle made a motion which was seconded by Mr. Simons to form a workgroup to address this recommendation. The motion was approved. Mr. Williams volunteered to chair the workgroup, and Mr. Batten volunteered to be a member of the workgroup. The Chair of the Council will send a letter to agency heads requesting appointment of an appropriate agency representative

to be a member of this ad hoc work group. Mr. Simons encouraged the workgroup to develop a response that adhered to the concept of an integrated continuum of services.

**C. OTHER NEW BUSINESS**

The Chair addressed the status of the appointments from the Governor to the Council. Currently only the legislative appointments are current. Terms of Delegates Beverly Sherwood and Clifford Athey have ended and Delegates Steven Landes and Sal Iaquinto have been appointed to serve on the Council. Senator Roscoe Reynolds term has concluded and Senator Linda Puller has been appointed. C. Todd Gilbert and David Poisson, as well as Senator Mark Herring will continue their membership on the Council for another term. Members who are representative of organizations names in the *Code* serve two year terms. State agency designations remain the same as long as the agency head designates the member as the representative. Ms. Randall stated that Council staff has not been contacted by the Secretary of Administration regarding appointment or reappointments of members for this term. She noted that the current Chair has served one term as Chair and as a representative of the Virginia Drug Court Association and is eligible to be reappointed for an additional term.

Mr. Schuster announced that he will be retiring in September and his agency will designate a replacement. The Chair thanked Mr. Schuster for his many years of participation on the Council.

**V. PUBLIC COMMENT:**

**JOHN SHINHOLSER, PRESIDENT OF THE MCSHIN FOUNDATION, A RECOVERING COMMUNITY ORGANIZATION IN RICHMOND** – Mr. Shinholser inquired if he could attend the meetings on a regular basis without being an appointed member.

The Chair responded that the meetings are public meetings that are publicized and individuals are invited to attend the meetings and speak during a designated public comment period. The meetings convene throughout the state in an effort to encourage public involvement. As a non-member an individual cannot vote; at the discretion of the Chair, guest comments have not been limited.

Mr. Shinholser further stated he was excited about being at the meeting and that he has read the Council's annual reports and is encouraged that the Council has a good understanding of the issue. He indicated a desire to become more involved with the Council to assist with some of the obvious issues. Mr. Shinholser indicated that his foundation and other organizations could provide the Council with valuable assets and resources.

He further stated that the JLARC report estimate of \$651 million was lower than the actual cost spent by the state for substance related issues. Mr. Shinholser

advocated for providing information to the public on accessing Medicaid funds and utilizing the recovery community in identifying solutions. He indicated that he concurred with the problems and solutions identified in the JLARC report, but noted that there are also additional solutions that are being addressed through recovery communities. Mr. Shinholser expressed the opinion that the JLARC report was fairly one-sided and there was too much emphasis on agency heads.

Mr. Shinholser invited SASC members to visit the McShin Foundation as well as the website [www.mcshin.org](http://www.mcshin.org). He indicated that the Council and the foundation have similar goals.

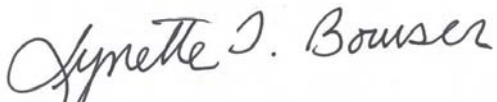
**VI. SCHEDULE NEXT MEETING DATE – SEPTEMBER 2008**

Staff will inform Council of the date for the September meeting that will convene in Richmond.

**VII. ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Batten and seconded by Mr. Battle. The meeting was adjourned at 3:00 pm.

Respectfully submitted

  
Lynette Bowser